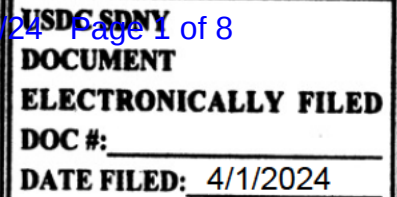


Motion For scheduling order

your honor, the mediation session in this case has concluded and because of such, the Plaintiff will like to renew his request for a scheduling order in the consolidated matter.

Secondly, the Plaintiff will like the court to express on the record; which dates are documented as the deadline for the defendants to answer to the complaint in both matters (docket #'s, 23-cv-6704 and 23-cv-6727) (thank you).

Name: Robert Derek Lurch Jr.

Date: 3/18/2024

Signature: [Signature]

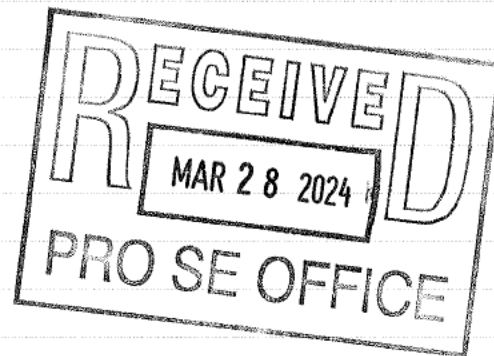
Docket #: @23-cv-6704 and @23-cv-6727

The issues raised herein will be addressed at the telephone conference scheduled for April 16, 2024 at 2:30.

SO ORDERED:

4/1/2024

HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE



EXHIBITS

Name: Robert Derek Lurch Jr.

Date: 3/13/2024

Signature: [Signature]

Docket #: 23-cv-6727

## "EXHIBIT A"

"Prehospital summary care report showing NYPD initially told EMTs that the Plaintiff stole chips and became aggressive when asked to leave."

- The conduct the Plaintiff was initially accused of constitutes theft and criminal trespassing and does not meet the criteria justifying a seizure under Mental Hygiene Law § 9.11 without more.
- It was not noted other than the finding of the Plaintiff being aggressive, what behavior was displayed by the Plaintiff that assisted officers in making the determination that the Plaintiff was aggressive.

07/26/2023 - ED in Bellevue ED Psych Adult (continued)

ACR Scan

Ambulance Call Report - Document on 7/27/2023 0123

Clinical date/time: 7/26/2023 0000  
Description: ACR

User: Bias, Lawrence Ulyse  
Status: Received

Document (below)

Prehospital Care Report Summary

FDNY

9 MetroTech Center; 7th Floor; Brooklyn, NY 11201

Date: 07/26/2023 Call #: 3747 Booklet: 89368836 Branch: STA04 Time Zone: America/New\_York

Call Information:

Billing Disposition: Treated/Transported (10-82)

Initial Patient Acuity: Stable

Unit #: 01C3 - 01C Tour 3, Ground-Ambulance - BLS Trip Type: Initial Trip

Run Type to Scene: Emergency Response (Primary Response Area) Emergent (Immediate Response)

Service Requested: Emergency Response (Primary Response Area)

Incident Facility:

Incident Location: E 14 ST/4 AVE - Manhattan, NY 10003 (New York County)

Incident Location Type: Street/Hwy

Receiving Facility: 2 - Bellevue (Hospital) - 472 1 Avenue - NY, NY 10016

Facility Address: 472 1 Avenue - NY, NY 10016

Destination Type: Hospital Emergency Department

Dest. Reason: Nearest/Most Accessible Facility

Hospital Capability: Hospital (General)

Condition of Patient At Destination: Improved

Registration # N/A

Loaded Mileage: 1.3 (Total Mileage: 1.3)

Crew Members: Tyler D Lorenzo #1629, EMT Basic(DS)(DH); Alyssa Fioravante #1879, EMT Basic(DOC)

Moved to Amb By: Walked With Assist Transport Position: Sitting From Amb By: Walked With Assist

ET3: Emergency Treat, Triage, and Transport:

Does this patient meet ET3 Treat in Place or Alternate Destination criteria? Unknown

Call Origin: N/A Lights/Siren: Scene - Lights and Sirens, Destination - No Lights and Sirens

Patient Information:

Name: ROBERT D LURCH  
Address: Homeless HOMELESS  
Phone:  
Email:  
SSN: 086-80-3060  
Driver License: 305177752

DOB: 11/28/1990  
Gender: Male  
Age: 32 Years  
Weight: 175.0 lbs, 79.38 kg  
Broselow:

Current Meds:

None

Env Allergies: NKA

Med Allergies: HALDOL (HALOPERIDOL)

Patient Physician:

Advance Directives:

Recent Exposure to Infectious Disease: No

PMH: Psychiatric Problems, Other

Comment: Psychiatric Problems: Bi-Polar

Patient Physical Limitations:

Comment:

Comments:

Comments:

Comments:

Payer Information:

Work Related: No

Priority: Primary Name: Medicare or Medicaid

Type: Medicaid

Policy #: us80170q

Group #: 60048688273  
80170039

Policy Holder: , Apt ,

Phone:

DOB:

Relationship of Patient to Insured: Self

07/26/2023 - ED in Bellevue ED Psych Adult (continued)

ACR Scan (continued)

Clinical:

Onset Date/Time: 07/26/23 18:30:05  
Dispatch Reason (EMD): PD13C PD13C - Police 10-13 Confirmed  
Medical Need:

Chief Complaint (Primary): EDP Duration: 1 Minutes  
Anatomic Location: General/Global  
Provider Impression: Psychiatric Emerg.  
Was this event weather related?: No  
Mechanism of Injury:  
Protocol 1:

Protocol 2:

Assessments:

Time	Employee	Type	Summary
18:46:24	Floravante #1879, ABC Alyssa	ABC	<u>Airway:</u> General: Patent: Yes <u>Breathing:</u> Rate: Normal: Yes Quality: Unlabored: Yes Lung Sounds: Left: Clear: Yes Lung Sounds: Right: Clear: Yes <u>Circulation:</u> General: Normal: Yes Skin Capillary Refill: Normal Skin Color: Normal: Yes Skin Temperature: Normal: Yes Skin Condition: Normal: Yes
18:46:24	Floravante #1879, Head To Toe Alyssa	Head To Toe	<u>Head and Neck:</u> Head: Normal: Yes Left Eye: PERRL: Yes Right Eye: PERRL: Yes Neck: Normal: Yes <u>Chest and Back:</u> Cervical: Normal: Yes Thoracic: Normal: Yes Lumbar/Sacral: Normal: Yes <u>Abdomen and Pelvis:</u> LUQ Abdomen: Normal: Yes RUQ Abdomen: Normal: Yes LLQ Abdomen: Normal: Yes RLQ Abdomen: Normal: Yes Pelvis: Normal: Yes GI: Normal: Yes <u>Arms and Legs:</u> Left Arm: Normal: Yes Right Arm: Normal: Yes Left Leg: Normal: Yes Right Leg: Normal: Yes
18:46:24	Floravante #1879, Neurological Alyssa	Neurological	AVPU: Alert Mental Status: Normal: Yes Neurological: All Neuro: Normal

Vitals:

Time	Employee	Summary
18:50:24	Floravante #1879, BP: 134/ 78 Alyssa	Auscultate Type: Sys: Cuff - Manual Auscultated - Dia: Cuff - Manual MAP: 97 Pulse: 86 Pulse Type: Regular Pulse Measurement Method: Electronic Monitor - Pulse Oximeter Resp: 16 Effort: Normal SPO2: 99

07/26/2023 - ED in Bellevue ED Psych Adult (continued)

ACR Scan (continued)

19:00:24 Fioravante #1879, BP: 134/ 78 Auscultate Type: Sys: Cuff - Manual Auscultated - Dia: Cuff - Manual  
Alyssa Auscultated  
MAP: 97  
Pulse: 86 Pulse Type: Regular Pulse Measurement Method: Electronic Monitor -  
Pulse Oximeter  
Resp: 16 Effort: Normal  
SPO2: 99

Treatments/Medications:

Time	Employee	Summary
18:47:24	Fioravante #1879, Alyssa	Treatment- 1 - BLS Assessment Attempts: 1 Success: Yes Response: Improved Complication: None Authorization Type: Protocol Level: BLS

Supply

Qty Supply

ECG Device Incident Number:

PowerFields:

PowerField	Value
Scene - Run Disposition - Run Disposition - Treated/Transported	*Treated/Transported (10-82)
CC / PI / MOI - Provider Impression - Primary Impression - Did call type match presenting problem?	No

Narrative History Text:

UPON ARRIVAL, FOUND 32 YEAR OLD MALE STANDING IN HANDCUFFS WITH NYPD. NYPD STATES PATIENT STOLE CHIPS & BECAME AGGRESSIVE WHEN HE WAS ASKED TO LEAVE.

PATIENT ALERT AND ORIENTED X3. AIRWAY PATENT AND BREATHING NORMAL. NEGATIVE CHEST PAIN. NEGATIVE BLEEDING/TRAUMA/DEFORMITIES. VITALS STABLE. PATIENT AMBULATORY.

PATIENT TRANSPORTED TO HOSP 02, IN HANDCUFFS WITH NYPD, WITH NO INCIDENTS.

Unable to Sign:

Unable to Sign Reason: Incapable- Mentally/Physically  
Authorized Representative: No authorized representative is available or willing  
Authorized Representative Signature: No  
Secondary Documentation: Unable to obtain secondary documentation  
Secondary Documentation Signature: No  
Comment:  
EDP IN HANDCUFFS

Auth Signature: No Privacy Sig: No Unable to Sign: Yes Refused to Sign: No

Signature Image(s):

Authorization Signature

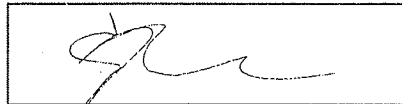
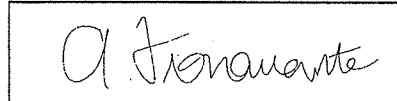
Privacy Notice Signature




Receiving RN / MD Signature - SOTO - RN - 07/26/2023 20:41

\*\*\*"RN" or "Nurse" is an UNACCEPTABLE entry. Crew members MUST document the RN or Nurse's FULL NAME\*\*\*

Technician Signature - Fioravante #1879, Alyssa - 07/26/2023 19:00

"EXHIBIT B"

"Bellevue hospital record documenting P.O. P.O. in less than an hour of telling EMTs that plaintiff stole chips, now tells doctor that plaintiff paid vendor \$1 for \$5 dollars worth of candy"

- Establishes that the justification for the initial seizure was a l.e. and because of such, the seizure of the plaintiff's person on the day of the incident was a l.e.



07/26/2023 - ED in Bellevue ED Psych Adult (continued)

ED Provider Note (continued)

Robert Lurch is a 32 y.o. male hx mood d/o, antisocial PD, alcohol related d/o BIB NYPD/EMS for psych eval. Per NYPD officer who came with pt, pt reportedly paid vendour \$1 for \$5 dollar worth of candy; vendour called the police nearby to intervene, and after police left the pt reportedly became aggressive toward vendour who called the police again. Officer stated that pt refused to leave the area, so was brought to CPEP for psych eval. Per officer, pt not note to be talking to self, was not combative toward anyone except the vendour, and did not engage in any bizarre behaviour during their encounter. Officer also denied noticing AOB nor cannabis odour on pt.

In CPEP, pt stated that he wished to speak in private and is willing to wait until triage room is free.

In CPEP, pt stated that vendour called the officer without good reason, as he'd paid for the goods he'd taken and received change from vendour for it. Stated that he was told by the police that he had to leave, but stated that he doesn't see why he had to leave. Denied that he'd threatened the vendour, stating that if he had indeed been threatening, then why did the police not arrest him. Stated that one of the officer was touching him inappropriately. Stated that he plans to sue and request that I write down the name and series of numbers (possibly officers' name and badge numbers) that pt tells me on paper for him as pt does not have access to pen.

Pt denied changes in sleep/appetite. When asked about concentration, responded that his encounter with NYPD today will affect his concentration.

Denied AVH. Stated that he feels fearful of CPEP staff. Stated that he is recently dc'd from jail and is staying with friend

Past Psychiatric History:

- Prior diagnoses: Alcohol related disorders Unspecified/Other Bipolar Antisocial Personality Disorder Unspecified/Other Depressive Disorder
- Hospitalizations: per psyckes, none
- Outpatient treatment:

• Clinic - SU	• SUCCESS COUNSELING	• 3/2	• 3/2	• Alcohol abuse,
Specialty	SVCS INC	2/2021	9/2021	uncomplicated

- Medication trials: per psyckes, none
- Suicide attempts/Self-harm: Denies
- Violence: pt stated that everyone has hx of violence. Per PES 5/9/21, hx of antisocial behaviour
- Trauma/Abuse: per PES 5/9/21, hx of physical abuse

Substance Use History:

- Nicotine: Denies
- Alcohol: Denies
- Other substance use: Denies

Social History:

Psychosocial Assessment

Flowsheet Row ED from 7/26/2023 in Bellevue ED Psych Adult

Current Living

Arrangements/Environment

Housing Situation Private Residence

Immigration History

Country of origin USA

Citizenship US

Initial Plan

Disposition Discharge